

## UNITED STATES DISTRICT COURT

Northern District of California

JPMORGAN CHASE BANK,

No. C 12-0941 MEJ

Plaintiff,

**ORDER TO SHOW CAUSE**

v.

ELLIE SALGADO,

Defendant.

On February 24, 2012, Defendant Ellie Salgado removed this unlawful detainer action from Santa Cruz County Superior Court. However, an unlawful detainer action does not arise under federal law but is purely a creature of California law. *Wells Fargo Bank v. Lapeen*, 2011 WL 2194117, at \*3 (N.D. Cal. June 6, 2011); *Wescom Credit Union v. Dudley*, 2010 WL 4916578, at \*2 (C.D. Cal. Nov. 22, 2010). Thus, it appears that jurisdiction is lacking and the case should be remanded to state court. Accordingly, the Court ORDERS Defendant Ellie Salgado to show cause why this case should not be remanded to the Santa Cruz County Superior Court. Defendant shall file a declaration by March 15, 2012, and the Court shall conduct a hearing on March 29, 2012 at 10:00 a.m. in Courtroom B, 15th Floor, 450 Golden Gate Avenue, San Francisco, California. In her declaration, Defendant must address how this Court has jurisdiction over Plaintiff's unlawful detainer claim. Defendant should be mindful that an anticipated federal defense is not sufficient to confer jurisdiction. *Franchise Tax Bd. of California v. Construction Laborers Vacation Trust*, 463 U.S. 1, 10 (1983).

**IT IS SO ORDERED.**

Dated: February 28, 2012

  
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Maria-Elena James  
Chief United States Magistrate Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

JPMORGAN CHASE BANK,

Case Number: CV12-0941 MEJ

Plaintiff,

v.

**CERTIFICATE OF SERVICE**

ELLIE SALGADO,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on February 28, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Ellie Salgado  
12330 1st Fork Rd  
Los Gatos CA 95033

Dated: February 28, 2012

Richard W. Wieking, Clerk  
By: Brenda Tolbert, Deputy Clerk